AO 440 (Rev. 02/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the

Eastern District of New York

MARLON HOLDER	)
————————————————	)
Plaintiff	)
v.	) Civil Action No. 08 CV 4594 (ENV) (SMG)
City of New York, Undercover Police Officer John	)
Doe (Shield No. 7975), James Lee, Eric Beckel, et al.	)
Defendant	)

amended   **SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

Sergent James Lee (Tax ID. 930421)
c/o NYPD Manhattan Housing Bureau
2768 Frederick Douglas Blvd.
New York, New York 10039

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Leventhal & Klein, LLP
45 Main Street, Suite 230
Brooklyn, NY 11201

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ROBERT C. HEINEMANN

CLERK OF COURT

Date: SEP 18 2009   _____
                        Signature of Clerk or Deputy Clerk

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Civil Action No. 08 CV 4594 (ENV) (SMG)

PROOF OF SERVICE
(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* Sergeant James Lee Tap# 930421

was received by me on *(date)* 9/22/09 .

☐ I personally served the summons on the individual at *(place)* _____

_____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____

_____ , a person of suitable age and discretion who resides there,

on *(date)* _____ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____ , who is

designated by law to accept service of process on behalf of *(name of organization)* _____

_____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☑ Other *(specify):* I served the summons on P.O. Tavarez, who is
the co-worker of Sergeant James Lee on 10/21/09 at 3:53pm

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: 10/22/09

X _____
Server's signature

Angel Gutierrez - Process Server - 1152171
Printed name and title

211 W. 148th St New York, NY 10039
Server's address

Additional information regarding attempted service, etc: